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such air carriers and special exceptions for operations in Alaska and outside the United States. Nothing in §121.590 exempts the air carriers described in this note from the requirements of 49 U.S.C. 41104(b). Certain operations by air carriers that conduct public charter operations under 14 CFR part 380 are covered by the statutory requirements to operate to and from part 139 airports. *See* 49 U.S.C. 41104(b).

[Doc. No. FAA-2000-7479, 69 FR 6424, Feb. 10, 2004; Amdt. 121-304, 69 FR 31522, June 4, 2004]

Subpart U—Dispatching and Flight Release Rules

SOURCE: Docket No. 6258, 29 FR 19222, Dec. 31, 1964, unless otherwise noted.

§ 121.591 Applicability.

This subpart prescribes dispatching rules for domestic and flag operations and flight release rules for supplemental operations.

[Doc. No. 28154, 61 FR 2614, Jan. 26, 1996]

§ 121.593 Dispatching authority: Domestic operations.

Except when an airplane lands at an intermediate airport specified in the original dispatch release and remains there for not more than one hour, no person may start a flight unless an aircraft dispatcher specifically authorizes that flight.

§ 121.595 Dispatching authority: Flag operations.

(a) No person may start a flight unless an aircraft dispatcher specifically authorizes that flight.

(b) No person may continue a flight from an intermediate airport without redispach if the airplane has been on the ground more than six hours.

§ 121.597 Flight release authority: Supplemental operations.

(a) No person may start a flight under a flight following system without specific authority from the person authorized by the operator to exercise operational control over the flight.

(b) No person may start a flight unless the pilot in command or the person authorized by the operator to exercise operational control over the flight has executed a flight release setting forth the conditions under which the flights

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will be conducted. The pilot in command may sign the flight release only when he and the person authorized by the operator to exercise operational control believe that the flight can be made with safety.

(c) No person may continue a flight from an intermediate airport without a new flight release if the aircraft has been on the ground more than six hours.

[Doc. No. 6258, 29 FR 19222, Dec. 31, 1964, as amended by Amdt. 121-3, 30 FR 3639, Mar. 19, 1965]

§ 121.599 Familiarity with weather conditions.

(a) *Domestic and flag operations.* No aircraft dispatcher may release a flight unless he is thoroughly familiar with reported and forecast weather conditions on the route to be flown.

(b) *Supplemental operations.* No pilot in command may begin a flight unless he is thoroughly familiar with reported and forecast weather conditions on the route to be flown.

[Doc. No. 6258, 29 FR 19222, Dec. 31, 1964, as amended by Amdt. 121-253, 61 FR 2614, Jan. 26, 1996]

§ 121.601 Aircraft dispatcher information to pilot in command: Domestic and flag operations.

(a) The aircraft dispatcher shall provide the pilot in command all available current reports or information on airport conditions and irregularities of navigation facilities that may affect the safety of the flight.

(b) Before beginning a flight, the aircraft dispatcher shall provide the pilot in command with all available weather reports and forecasts of weather phenomena that may affect the safety of flight, including adverse weather phenomena, such as clear air turbulence, thunderstorms, and low altitude wind shear, for each route to be flown and each airport to be used.

(c) During a flight, the aircraft dispatcher shall provide the pilot in command any additional available information of meteorological conditions (including adverse weather phenomena, such as clear air turbulence, thunderstorms, and low altitude wind shear),

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and irregularities of facilities and services that may affect the safety of the flight.

[Doc. No. 6258, 29 FR 19222, Dec. 31, 1964, as amended by Amdt. 121-134, 42 FR 27573, May 31, 1977; Amdt. 121-144, 43 FR 22649, May 25, 1978; Amdt. 121-253, 61 FR 2614, Jan. 26, 1996]

§ 121.603 Facilities and services: Supplemental operations.

(a) Before beginning a flight, each pilot in command shall obtain all available current reports or information on airport conditions and irregularities of navigation facilities that may affect the safety of the flight.

(b) During a flight, the pilot in command shall obtain any additional available information of meteorological conditions and irregularities of facilities and services that may affect the safety of the flight.

§ 121.605 Airplane equipment.

No person may dispatch or release an airplane unless it is airworthy and is equipped as prescribed in § 121.303.

§ 121.607 Communication and navigation facilities: Domestic and flag operations.

(a) Except as provided in paragraph (b) of this section for a certificate holder conducting flag operations, no person may dispatch an airplane over an approved route or route segment unless the communication and navigation facilities required by §§ 121.99 and 121.103 for the approval of that route or segment are in satisfactory operating condition.

(b) If, because of technical reasons or other reasons beyond the control of a certificate holder conducting flag operations, the facilities required by §§ 121.99 and 121.103 are not available over a route or route segment outside the United States, the certificate holder may dispatch an airplane over that route or route segment if the pilot in command and dispatcher find that communication and navigation facilities equal to those required are available and are in satisfactory operating condition.

[Doc. No. 6258, 29 FR 19222, Dec. 31, 1964, as amended by Amdt. 121-253, 61 FR 2614, Jan. 26, 1996]

§ 121.609 Communication and navigation facilities: Supplemental operations.

No person may release an aircraft over any route or route segment unless communication and navigation facilities equal to those required by § 121.121 are in satisfactory operating condition.

§ 121.611 Dispatch or flight release under VFR.

No person may dispatch or release an aircraft for VFR operation unless the ceiling and visibility en route, as indicated by available weather reports or forecasts, or any combination thereof, are and will remain at or above applicable VFR minimums until the aircraft arrives at the airport or airports specified in the dispatch or flight release.

§ 121.613 Dispatch or flight release under IFR or over the top.

Except as provided in § 121.615, no person may dispatch or release an aircraft for operations under IFR or over-the-top, unless appropriate weather reports or forecasts, or any combination thereof, indicate that the weather conditions will be at or above the authorized minimums at the estimated time of arrival at the airport or airports to which dispatched or released.

[Doc. No. 6258, 29 FR 19222, Dec. 31, 1964, as amended by Amdt. 121-33, 32 FR 13912, Oct. 6, 1967]

§ 121.615 Dispatch or flight release over water: Flag and supplemental operations.

(a) No person may dispatch or release an aircraft for a flight that involves extended overwater operation unless appropriate weather reports or forecasts or any combination thereof, indicate that the weather conditions will be at or above the authorized minimums at the estimated time of arrival at any airport to which dispatched or released or to any required alternate airport.

(b) Each certificate holder conducting a flag or supplemental operation or a domestic operation within the State of Alaska shall conduct extended overwater operations under IFR unless it shows that operating under IFR is not necessary for safety.

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(c) Each certificate holder conducting a flag or supplemental operation or a domestic operation within the State of Alaska shall conduct other overwater operations under IFR if the Administrator determines that operation under IFR is necessary for safety.

(d) Each authorization to conduct extended overwater operations under VFR and each requirement to conduct other overwater operations under IFR will be specified in the certificate holder's operations specifications.

[Doc. No. 6258, 29 FR 19222, Dec. 31, 1964, as amended by Amdt. 121–33, 32 FR 13912, Oct. 6, 1967; Amdt. 121–253, 61 FR 2614, Jan. 26, 1996]

§ 121.617 Alternate airport for departure.

(a) If the weather conditions at the airport of takeoff are below the landing minimums in the certificate holder's operations specifications for that airport, no person may dispatch or release an aircraft from that airport unless the dispatch or flight release specifies an alternate airport located within the following distances from the airport of takeoff:

(1) *Aircraft having two engines.* Not more than one hour from the departure airport at normal cruising speed in still air with one engine inoperative.

(2) *Aircraft having three or more engines.* Not more than two hours from the departure airport at normal cruising speed in still air with one engine inoperative.

(b) For the purpose of paragraph (a) of this section, the alternate airport weather conditions must meet the requirements of the certificate holder's operations specifications.

(c) No person may dispatch or release an aircraft from an airport unless he lists each required alternate airport in the dispatch or flight release.

§ 121.619 Alternate airport for destination: IFR or over-the-top: Domestic operations.

(a) No person may dispatch an airplane under IFR or over-the-top unless he lists at least one alternate airport for each destination airport in the dispatch release. When the weather conditions forecast for the destination and first alternate airport are marginal at least one additional alternate must be

designated. However, no alternate airport is required if for at least 1 hour before and 1 hour after the estimated time of arrival at the destination airport the appropriate weather reports or forecasts, or any combination of them, indicate—

(1) The ceiling will be at least 2,000 feet above the airport elevation; and

(2) Visibility will be at least 3 miles.

(b) For the purposes of paragraph (a) of this section, the weather conditions at the alternate airport must meet the requirements of § 121.625.

(c) No person may dispatch a flight unless he lists each required alternate airport in the dispatch release.

[Doc. No. 6258, 29 FR 19222, Dec. 31, 1964, as amended by Amdt. 121–159, 45 FR 41594, June 19, 1980]

§ 121.621 Alternate airport for destination: Flag operations.

(a) No person may dispatch an airplane under IFR or over-the-top unless he lists at least one alternate airport for each destination airport in the dispatch release, unless—

(1) The flight is scheduled for not more than 6 hours and, for at least 1 hour before and 1 hour after the estimated time of arrival at the destination airport, the appropriate weather reports or forecasts, or any combination of them, indicate the ceiling will be:

(i) At least 1,500 feet above the lowest circling MDA, if a circling approach is required and authorized for that airport; or

(ii) At least 1,500 feet above the lowest published instrument approach minimum or 2,000 feet above the airport elevation, whichever is greater; and

(iii) The visibility at that airport will be at least 3 miles, or 2 miles more than the lowest applicable visibility minimums, whichever is greater, for the instrument approach procedures to be used at the destination airport; or

(2) The flight is over a route approved without an available alternate airport for a particular destination airport and the airplane has enough fuel to meet the requirements of § 121.641(b) or § 121.645(c).

(b) For the purposes of paragraph (a) of this section, the weather conditions

at the alternate airport must meet the requirements of the certificate holder's operations specifications.

(c) No person may dispatch a flight unless he lists each required alternate airport in the dispatch release.

[Doc. No. 6258, 29 FR 19222, Dec. 31, 1964, as amended by Amdt. 121-159, 45 FR 41594, June 19, 1980; Amdt. 121-253, 61 FR 2614, Jan. 26, 1996]

§ 121.623 Alternate airport for destination: IFR or over-the-top: Supplemental operations.

(a) Except as provided in paragraph (b) of this section, each person releasing an aircraft for operation under IFR or over-the-top shall list at least one alternate airport for each destination airport in the flight release.

(b) An alternate airport need not be designated for IFR or over-the-top operations where the aircraft carries enough fuel to meet the requirements of §§121.643 and 121.645 for flights outside the 48 contiguous States and the District of Columbia over routes without an available alternate airport for a particular airport of destination.

(c) For the purposes of paragraph (a) of this section, the weather requirements at the alternate airport must meet the requirements of the certificate holder's operations specifications.

(d) No person may release a flight unless he lists each required alternate airport in the flight release.

[Doc. No. 6258, 29 FR 19222, Dec. 31, 1964, as amended by Amdt. 121-253, 61 FR 2614, Jan. 26, 1996]

§ 121.624 ETOPS Alternate Airports.

(a) No person may dispatch or release an airplane for an ETOPS flight unless enough ETOPS Alternate Airports are listed in the dispatch or flight release such that the airplane remains within the authorized ETOPS maximum diversion time. In selecting these ETOPS Alternate Airports, the certificate holder must consider all adequate airports within the authorized ETOPS diversion time for the flight that meet the standards of this part.

(b) No person may list an airport as an ETOPS Alternate Airport in a dispatch or flight release unless, when it might be used (from the earliest to the latest possible landing time)—

(1) The appropriate weather reports or forecasts, or any combination thereof, indicate that the weather conditions will be at or above the ETOPS Alternate Airport minima specified in the certificate holder's operations specifications; and

(2) The field condition reports indicate that a safe landing can be made.

(c) Once a flight is en route, the weather conditions at each ETOPS Alternate Airport must meet the requirements of § 121.631 (c).

(d) No person may list an airport as an ETOPS Alternate Airport in the dispatch or flight release unless that airport meets the public protection requirements of § 121.97(b)(1)(ii).

[Doc. No. FAA-2002-6717, 72 FR 1881, Jan. 16, 2007]

§ 121.625 Alternate Airport weather minima.

Except as provided in § 121.624 for ETOPS Alternate Airports, no person may list an airport as an alternate in the dispatch or flight release unless the appropriate weather reports or forecasts, or any combination thereof, indicate that the weather conditions will be at or above the alternate weather minima specified in the certificate holder's operations specifications for that airport when the flight arrives.

[Doc. No. FAA-2002-6717, 72 FR 1881, Jan. 16, 2007]

§ 121.627 Continuing flight in unsafe conditions.

(a) No pilot in command may allow a flight to continue toward any airport to which it has been dispatched or released if, in the opinion of the pilot in command or dispatcher (domestic and flag operations only), the flight cannot be completed safely; unless, in the opinion of the pilot in command, there is no safer procedure. In that event, continuation toward that airport is an emergency situation as set forth in § 121.557.

(b) If any instrument or item of equipment required under this chapter for the particular operation becomes inoperative en route, the pilot in command shall comply with the approved procedures for such an occurrence as

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specified in the certificate holder's manual.

[Doc. No. 6258, 29 FR 1922, Dec. 31, 1964, as amended by Amdt. 121–222, 56 FR 12310, Mar. 22, 1991; Amdt. 121–253, 61 FR 2615, Jan. 26, 1996]

§ 121.628 Inoperable instruments and equipment.

(a) No person may take off an airplane with inoperable instruments or equipment installed unless the following conditions are met:

(1) An approved Minimum Equipment List exists for that airplane.

(2) The certificate-holding district office has issued the certificate holder operations specifications authorizing operations in accordance with an approved Minimum Equipment List. The flight crew shall have direct access at all times prior to flight to all of the information contained in the approved Minimum Equipment List through printed or other means approved by the Administrator in the certificate holder's operations specifications. An approved Minimum Equipment List, as authorized by the operations specifications, constitutes an approved change to the type design without requiring recertification.

(3) The approved Minimum Equipment List must:

(i) Be prepared in accordance with the limitations specified in paragraph (b) of this section.

(ii) Provide for the operation of the airplane with certain instruments and equipment in an inoperable condition.

(4) Records identifying the inoperable instruments and equipment and the information required by paragraph (a)(3)(ii) of this section must be available to the pilot.

(5) The airplane is operated under all applicable conditions and limitations contained in the Minimum Equipment List and the operations specifications authorizing use of the Minimum Equipment List.

(b) The following instruments and equipment may not be included in the Minimum Equipment List:

(1) Instruments and equipment that are either specifically or otherwise required by the airworthiness requirements under which the airplane is type certificated and which are essential for

safe operations under all operating conditions.

(2) Instruments and equipment required by an airworthiness directive to be in operable condition unless the airworthiness directive provides otherwise.

(3) Instruments and equipment required for specific operations by this part.

(c) Notwithstanding paragraphs (b)(1) and (b)(3) of this section, an airplane with inoperable instruments or equipment may be operated under a special flight permit under §§ 21.197 and 21.199 of this chapter.

[Doc. No. 25780, 56 FR 12310, Mar. 22, 1991; Amdt. 121–222, 56 FR 14290, Apr. 8, 1991; Amdt. 121–253, 61 FR 2615, Jan. 26, 1996]

§ 121.629 Operation in icing conditions.

(a) No person may dispatch or release an aircraft, continue to operate an aircraft en route, or land an aircraft when in the opinion of the pilot in command or aircraft dispatcher (domestic and flag operations only), icing conditions are expected or met that might adversely affect the safety of the flight.

(b) No person may take off an aircraft when frost, ice, or snow is adhering to the wings, control surfaces, propellers, engine inlets, or other critical surfaces of the aircraft or when the takeoff would not be in compliance with paragraph (c) of this section. Takeoffs with frost under the wing in the area of the fuel tanks may be authorized by the Administrator.

(c) Except as provided in paragraph (d) of this section, no person may dispatch, release, or take off an aircraft any time conditions are such that frost, ice, or snow may reasonably be expected to adhere to the aircraft, unless the certificate holder has an approved ground deicing/anti-icing program in its operations specifications and unless the dispatch, release, and takeoff comply with that program. The approved ground deicing/anti-icing program must include at least the following items:

(1) A detailed description of—

(i) How the certificate holder determines that conditions are such that frost, ice, or snow may reasonably be expected to adhere to the aircraft and

that ground deicing/anti-icing operational procedures must be in effect;

(ii) Who is responsible for deciding that ground deicing/anti-icing operational procedures must be in effect;

(iii) The procedures for implementing ground deicing/anti-icing operational procedures;

(iv) The specific duties and responsibilities of each operational position or group responsible for getting the aircraft safely airborne while ground deicing/anti-icing operational procedures are in effect.

(2) Initial and annual recurrent ground training and testing for flight crewmembers and qualification for all other affected personnel (e.g., aircraft dispatchers, ground crews, contract personnel) concerning the specific requirements of the approved program and each person's responsibilities and duties under the approved program, specifically covering the following areas:

(i) The use of holdover times.

(ii) Aircraft deicing/anti-icing procedures, including inspection and check procedures and responsibilities.

(iii) Communications procedures.

(iv) Aircraft surface contamination (i.e., adherence of frost, ice, or snow) and critical area identification, and how contamination adversely affects aircraft performance and flight characteristics.

(v) Types and characteristics of deicing/anti-icing fluids.

(vi) Cold weather preflight inspection procedures;

(vii) Techniques for recognizing contamination on the aircraft.

(3) The certificate holder's holdover timetables and the procedures for the use of these tables by the certificate holder's personnel. Holdover time is the estimated time deicing/anti-icing fluid will prevent the formation of frost or ice and the accumulation of snow on the protected surfaces of an aircraft. Holdover time begins when the final application of deicing/anti-icing fluid commences and expires when the deicing/anti-icing fluid applied to the aircraft loses its effectiveness. The holdover times must be supported by data acceptable to the Administrator. The certificate holder's program must include procedures for

flight crewmembers to increase or decrease the determined holdover time in changing conditions. The program must provide that takeoff after exceeding any maximum holdover time in the certificate holder's holdover timetable is permitted only when at least one of the following conditions exists:

(i) A pretakeoff contamination check, as defined in paragraph (c)(4) of this section, determines that the wings, control surfaces, and other critical surfaces, as defined in the certificate holder's program, are free of frost, ice, or snow.

(ii) It is otherwise determined by an alternate procedure approved by the Administrator in accordance with the certificate holder's approved program that the wings, control surfaces, and other critical surfaces, as defined in the certificate holder's program, are free of frost, ice, or snow.

(iii) The wings, control surfaces, and other critical surfaces are redeiced and a new holdover time is determined.

(4) Aircraft deicing/anti-icing procedures and responsibilities, pretakeoff check procedures and responsibilities, and pretakeoff contamination check procedures and responsibilities. A pretakeoff check is a check of the aircraft's wings or representative aircraft surfaces for frost, ice, or snow within the aircraft's holdover time. A pretakeoff contamination check is a check to make sure the wings, control surfaces, and other critical surfaces, as defined in the certificate holder's program, are free of frost, ice, and snow. It must be conducted within five minutes prior to beginning take off. This check must be accomplished from outside the aircraft unless the program specifies otherwise.

(d) A certificate holder may continue to operate under this section without a program as required in paragraph (c) of this section, if it includes in its operations specifications a requirement that, any time conditions are such that frost, ice, or snow may reasonably be expected to adhere to the aircraft, no aircraft will take off unless it has been checked to ensure that the wings, control surfaces, and other critical surfaces are free of frost, ice, and snow. The check must occur within five minutes prior to beginning takeoff. This

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check must be accomplished from outside the aircraft.

[Doc. No. 6258, 29 FR 19222, Dec. 31, 1964, as amended by Amdt. 121-231, 57 FR 44942, Sept. 29, 1992; Amdt. 121-253, 61 FR 2615, Jan. 26, 1996]

§ 121.631 Original dispatch or flight release, redispach or amendment of dispatch or flight release.

(a) A certificate holder may specify any regular, provisional, or refueling airport, authorized for the type of aircraft, as a destination for the purpose of original dispatch or release.

(b) No person may allow a flight to continue to an airport to which it has been dispatched or released unless the weather conditions at an alternate airport that was specified in the dispatch or flight release are forecast to be at or above the alternate minimums specified in the operations specifications for that airport at the time the aircraft would arrive at the alternate airport. However, the dispatch or flight release may be amended en route to include any alternate airport that is within the fuel range of the aircraft as specified in §§ 121.639 through 121.647.

(c) No person may allow a flight to continue beyond the ETOPS Entry Point unless—

(1) Except as provided in paragraph (d) of this section, the weather conditions at each ETOPS Alternate Airport required by § 121.624 are forecast to be at or above the operating minima for that airport in the certificate holder's operations specifications when it might be used (from the earliest to the latest possible landing time); and

(2) All ETOPS Alternate Airports within the authorized ETOPS maximum diversion time are reviewed and the flight crew advised of any changes in conditions that have occurred since dispatch.

(d) If paragraph (c)(1) of this section cannot be met for a specific airport, the dispatch or flight release may be amended to add an ETOPS Alternate Airport within the maximum ETOPS diversion time that could be authorized for that flight with weather conditions at or above operating minima.

(e) Before the ETOPS Entry Point, the pilot in command for a supplemental operator or a dispatcher for a

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flag operator must use company communications to update the flight plan if needed because of a re-evaluation of aircraft system capabilities.

(f) No person may change an original destination or alternate airport that is specified in the original dispatch or flight release to another airport while the aircraft is en route unless the other airport is authorized for that type of aircraft and the appropriate requirements of §§ 121.593 through 121.661 and 121.173 are met at the time of redispach or amendment of the flight release.

(g) Each person who amends a dispatch or flight release en route shall record that amendment.

[Doc. No. 628, 29 FR 19222, Dec. 31, 1964, as amended by Amdt. 121-65, 35 FR 12709, Aug. 11, 1970; Amdt. 121-329, 72 FR 1881, Jan. 16, 2007]

§ 121.633 Considering time-limited systems in planning ETOPS alternates.

(a) For ETOPS up to and including 180 minutes, no person may list an airport as an ETOPS Alternate Airport in a dispatch or flight release if the time needed to fly to that airport (at the approved one-engine inoperative cruise speed under standard conditions in still air) would exceed the approved time for the airplane's most limiting ETOPS Significant System (including the airplane's most limiting fire suppression system time for those cargo and baggage compartments required by regulation to have fire-suppression systems) minus 15 minutes.

(b) For ETOPS beyond 180 minutes, no person may list an airport as an ETOPS Alternate Airport in a dispatch or flight release if the time needed to fly to that airport:

(1) at the all engine operating cruise speed, corrected for wind and temperature, exceeds the airplane's most limiting fire suppression system time minus 15 minutes for those cargo and baggage compartments required by regulation to have fire suppression systems (except as provided in paragraph (c) of this section), or

(2) at the one-engine-inoperative cruise speed, corrected for wind and temperature, exceeds the airplane's most limiting ETOPS Significant System time (other than the airplane's

most limiting fire suppression system time minus 15 minutes for those cargo and baggage compartments required by regulation to have fire-suppression systems).

(c) For turbine-engine powered airplanes with more than two engines, the certificate holder need not meet paragraph (b)(1) of this section until February 15, 2013.

[Doc. No. FAA-2002-6717, 72 FR 1882, Jan. 16, 2007]

§ 121.635 Dispatch to and from refueling or provisional airports: Domestic and flag operations.

No person may dispatch an airplane to or from a refueling or provisional airport except in accordance with the requirements of this part applicable to dispatch from regular airports and unless that airport meets the requirements of this part applicable to regular airports.

[Doc. No. 16383, 43 FR 22649, May 25, 1978]

§ 121.637 Takeoffs from unlisted and alternate airports: Domestic and flag operations.

(a) No pilot may takeoff an airplane from an airport that is not listed in the operations specifications unless—

(1) The airport and related facilities are adequate for the operation of the airplane;

(2) He can comply with the applicable airplane operating limitations;

(3) The airplane has been dispatched according to dispatching rules applicable to operation from an approved airport; and

(4) The weather conditions at that airport are equal to or better than the following:

(i) *Airports in the United States.* The weather minimums for takeoff prescribed in part 97 of this chapter; or where minimums are not prescribed for the airport, 800–2, 900–1½, or 1,000–1.

(ii) *Airports outside the United States.* The weather minimums for takeoff prescribed or approved by the government of the country in which the airport is located; or where minimums are not prescribed or approved for the airport, 800–2, 900–1½, or 1,000–1.

(b) No pilot may take off from an alternate airport unless the weather conditions are at least equal to the mini-

mums prescribed in the certificate holder's operations specifications for alternate airports.

[Doc. No. 6258, 29 FR 19222, Dec. 31, 1964, as amended by Amdt. 121–33, 32 FR 13912, Oct. 6, 1967; Amdt. 121–253, 61 FR 2615, Jan. 26, 1996]

§ 121.639 Fuel supply: All domestic operations.

No person may dispatch or take off an airplane unless it has enough fuel—

(a) To fly to the airport to which it is dispatched;

(b) Thereafter, to fly to and land at the most distant alternate airport (where required) for the airport to which dispatched; and

(c) Thereafter, to fly for 45 minutes at normal cruising fuel consumption or, for certificate holders who are authorized to conduct day VFR operations in their operations specifications and who are operating non-transport category airplanes type certificated after December 31, 1964, to fly for 30 minutes at normal cruising fuel consumption for day VFR operations.

[Doc. No. 6258, 29 FR 19222, Dec. 31, 1964, by Amdt. 121–251, 60 FR 65935, Dec. 20, 1995]

§ 121.641 Fuel supply: Nonturbine and turbo-propeller-powered airplanes: Flag operations.

(a) No person may dispatch or take off a nonturbine or turbo-propeller-powered airplane unless, considering the wind and other weather conditions expected, it has enough fuel—

(1) To fly to and land at the airport to which it is dispatched;

(2) Thereafter, to fly to and land at the most distant alternate airport specified in the dispatch release; and

(3) Thereafter, to fly for 30 minutes plus 15 percent of the total time required to fly at normal cruising fuel consumption to the airports specified in paragraphs (a) (1) and (2) of this section or to fly for 90 minutes at normal cruising fuel consumption, whichever is less.

(b) No person may dispatch a nonturbine or turbo-propeller-powered airplane to an airport for which an alternate is not specified under § 121.621(a)(2), unless it has enough fuel, considering wind and forecast weather conditions, to fly to that airport and

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thereafter to fly for three hours at normal cruising fuel consumption.

§ 121.643 Fuel supply: Nonturbine and turbo-propeller-powered airplanes: Supplemental operations.

(a) Except as provided in paragraph (b) of this section, no person may release for flight or takeoff a nonturbine or turbo-propeller-powered airplane unless, considering the wind and other weather conditions expected, it has enough fuel—

(1) To fly to and land at the airport to which it is released;

(2) Thereafter, to fly to and land at the most distant alternate airport specified in the flight release; and

(3) Thereafter, to fly for 45 minutes at normal cruising fuel consumption or, for certificate holders who are authorized to conduct day VFR operations in their operations specifications and who are operating non-transport category airplanes type certificated after December 31, 1964, to fly for 30 minutes at normal cruising fuel consumption for day VFR operations.

(b) If the airplane is released for any flight other than from one point in the contiguous United States to another point in the contiguous United States, it must carry enough fuel to meet the requirements of paragraphs (a) (1) and (2) of this section and thereafter fly for 30 minutes plus 15 percent of the total time required to fly at normal cruising fuel consumption to the airports specified in paragraphs (a) (1) and (2) of this section, or to fly for 90 minutes at normal cruising fuel consumption, whichever is less.

(c) No person may release a nonturbine or turbo-propeller-powered airplane to an airport for which an alternate is not specified under § 121.623(b), unless it has enough fuel, considering wind and other weather conditions expected, to fly to that airport and thereafter to fly for three hours at normal cruising fuel consumption.

[Doc. No. 6258, 29 FR 19222, Dec. 31, 1964, as amended by Amdt. 121-10, 30 FR 10025, Aug. 12, 1965; Amdt. 121-251, 60 FR 65935, Dec. 20, 1995]

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§ 121.645 Fuel supply: Turbine-engine powered airplanes, other than turbo propeller: Flag and supplemental operations.

(a) Any flag operation within the 48 contiguous United States and the District of Columbia may use the fuel requirements of § 121.639.

(b) For any certificate holder conducting flag or supplemental operations outside the 48 contiguous United States and the District of Columbia, unless authorized by the Administrator in the operations specifications, no person may release for flight or takeoff a turbine-engine powered airplane (other than a turbo-propeller powered airplane) unless, considering wind and other weather conditions expected, it has enough fuel—

(1) To fly to and land at the airport to which it is released;

(2) After that, to fly for a period of 10 percent of the total time required to fly from the airport of departure to, and land at, the airport to which it was released;

(3) After that, to fly to and land at the most distant alternate airport specified in the flight release, if an alternate is required; and

(4) After that, to fly for 30 minutes at holding speed at 1,500 feet above the alternate airport (or the destination airport if no alternate is required) under standard temperature conditions.

(c) No person may release a turbine-engine powered airplane (other than a turbo-propeller airplane) to an airport for which an alternate is not specified under § 121.621(a)(2) or § 121.623(b) unless it has enough fuel, considering wind and other weather conditions expected, to fly to that airport and thereafter to fly for at least two hours at normal cruising fuel consumption.

(d) The Administrator may amend the operations specifications of a certificate holder conducting flag or supplemental operations to require more fuel than any of the minimums stated in paragraph (a) or (b) of this section if he finds that additional fuel is necessary on a particular route in the interest of safety.

(e) For a supplemental operation within the 48 contiguous States and the District of Columbia with a turbine

engine powered airplane the fuel requirements of § 121.643 apply.

[Doc. No. 6258, 29 FR 19222, Dec. 31, 1964, as amended by Amdt. 121-10, 30 FR 10025, Aug. 12, 1965; Amdt. 121-144, 43 FR 22649, May 25, 1978; Amdt. 121-253, 61 FR 2615, Jan. 26, 1996]

§ 121.646 En-route fuel supply: flag and supplemental operations.

(a) No person may dispatch or release for flight a turbine-engine powered airplane with more than two engines for a flight more than 90 minutes (with all engines operating at cruise power) from an Adequate Airport unless the following fuel supply requirements are met:

(1) The airplane has enough fuel to meet the requirements of § 121.645(b);

(2) The airplane has enough fuel to fly to the Adequate Airport—

(i) Assuming a rapid decompression at the most critical point;

(ii) Assuming a descent to a safe altitude in compliance with the oxygen supply requirements of § 121.333; and

(iii) Considering expected wind and other weather conditions.

(3) The airplane has enough fuel to hold for 15 minutes at 1500 feet above field elevation and conduct a normal approach and landing.

(b) No person may dispatch or release for flight an ETOPS flight unless, considering wind and other weather conditions expected, it has the fuel otherwise required by this part and enough fuel to satisfy each of the following requirements:

(1) Fuel to fly to an ETOPS Alternate Airport.

(i) Fuel to account for rapid decompression and engine failure. The airplane must carry the greater of the following amounts of fuel:

(A) Fuel sufficient to fly to an ETOPS Alternate Airport assuming a rapid decompression at the most critical point followed by descent to a safe altitude in compliance with the oxygen supply requirements of § 121.333 of this chapter;

(B) Fuel sufficient to fly to an ETOPS Alternate Airport (at the one-engine-inoperative cruise speed) assuming a rapid decompression and a simultaneous engine failure at the most critical point followed by descent to a safe altitude in compliance with the

oxygen requirements of § 121.333 of this chapter; or

(C) Fuel sufficient to fly to an ETOPS Alternate Airport (at the one engine inoperative cruise speed) assuming an engine failure at the most critical point followed by descent to the one engine inoperative cruise altitude.

(ii) Fuel to account for errors in wind forecasting. In calculating the amount of fuel required by paragraph (b)(1)(i) of this section, the certificate holder must increase the actual forecast wind speed by 5% (resulting in an increase in headwind or a decrease in tailwind) to account for any potential errors in wind forecasting. If a certificate holder is not using the actual forecast wind based on a wind model accepted by the FAA, the airplane must carry additional fuel equal to 5% of the fuel required for paragraph (b)(1)(i) of this section, as reserve fuel to allow for errors in wind data.

(iii) Fuel to account for icing. In calculating the amount of fuel required by paragraph (b)(1)(i) of this section (after completing the wind calculation in paragraph (b)(1)(ii) of this section), the certificate holder must ensure that the airplane carries the greater of the following amounts of fuel in anticipation of possible icing during the diversion:

(A) Fuel that would be burned as a result of airframe icing during 10 percent of the time icing is forecast (including the fuel used by engine and wing anti-ice during this period).

(B) Fuel that would be used for engine anti-ice, and if appropriate wing anti-ice, for the entire time during which icing is forecast.

(iv) Fuel to account for engine deterioration. In calculating the amount of fuel required by paragraph (b)(1)(i) of this section (after completing the wind calculation in paragraph (b)(1)(ii) of this section), the airplane also carries fuel equal to 5% of the fuel specified above, to account for deterioration in cruise fuel burn performance unless the certificate holder has a program to monitor airplane in-service deterioration to cruise fuel burn performance.

(2) Fuel to account for holding, approach, and landing. In addition to the fuel required by paragraph (b)(1) of this section, the airplane must carry fuel sufficient to hold at 1500 feet above

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field elevation for 15 minutes upon reaching an ETOPS Alternate Airport and then conduct an instrument approach and land.

(3) Fuel to account for APU use. If an APU is a required power source, the certificate holder must account for its fuel consumption during the appropriate phases of flight.

[Doc. No. FAA-2002-6717, 72 FR 1882, Jan. 16, 2007, as amended by Amdt. 121-348, 75 FR 12121, Mar. 15, 2010]

§ 121.647 Factors for computing fuel required.

Each person computing fuel required for the purposes of this subpart shall consider the following:

- (a) Wind and other weather conditions forecast.
- (b) Anticipated traffic delays.
- (c) One instrument approach and possible missed approach at destination.
- (d) Any other conditions that may delay landing of the aircraft.

For the purposes of this section, required fuel is in addition to unusable fuel.

§ 121.649 Takeoff and landing weather minimums: VFR: Domestic operations.

(a) Except as provided in paragraph (b) of this section, regardless of any clearance from ATC, no pilot may takeoff or land an airplane under VFR when the reported ceiling or visibility is less than the following:

(1) For day operations—1,000-foot ceiling and one-mile visibility.

(2) For night operations—1,000-foot ceiling and two-mile visibility.

(b) Where a local surface restriction to visibility exists (e.g., smoke, dust, blowing snow or sand) the visibility for day and night operations may be reduced to $\frac{1}{2}$ mile, if all turns after takeoff and prior to landing, and all flight beyond one mile from the airport boundary can be accomplished above or outside the area of local surface visibility restriction.

(c) The weather minimums in this section do not apply to the VFR operation of fixed-wing aircraft at any of the locations where the special weather minimums of § 91.157 of this chapter are not applicable (See part 91, appendix D, section 3 of this chapter). The basic

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VFR weather minimums of § 91.155 of this chapter apply at those locations.

[Doc. No. 6258, 29 FR 19222, Dec. 31, 1964 as amended by Amdt. 121-39, 33 FR 4097, Mar. 2, 1968; Amdt. 121-206, 54 FR 34331, Aug. 18, 1989; Amdt. 121-226, 56 FR 65663, Dec. 17, 1991]

§ 121.651 Takeoff and landing weather minimums: IFR: All certificate holders.

(a) Notwithstanding any clearance from ATC, no pilot may begin a takeoff in an airplane under IFR when the weather conditions reported by the U.S. National Weather Service, a source approved by that Service, or a source approved by the Administrator, are less than those specified in—

(1) The certificate holder's operations specifications; or

(2) Parts 91 and 97 of this chapter, if the certificate holder's operations specifications do not specify takeoff minimums for the airport.

(b) Except as provided in paragraph (d) of this section, no pilot may continue an approach past the final approach fix, or where a final approach fix is not used, begin the final approach segment of an instrument approach procedure—

(1) At any airport, unless the U.S. National Weather Service, a source approved by that Service, or a source approved by the Administrator, issues a weather report for that airport; and

(2) At airports within the United States and its territories or at U.S. military airports, unless the latest weather report for that airport issued by the U.S. National Weather Service, a source approved by that Service, or a source approved by the Administrator, reports the visibility to be equal to or more than the visibility minimums prescribed for that procedure. For the purpose of this section, the term "U.S. military airports" means airports in foreign countries where flight operations are under the control of U.S. military authority.

(c) If a pilot has begun the final approach segment of an instrument approach procedure in accordance with paragraph (b) of this section, and after that receives a later weather report indicating below-minimum conditions, the pilot may continue the approach to DA/DH or MDA. Upon reaching DA/DH

or at MDA, and at any time before the missed approach point, the pilot may continue the approach below DA/DH or MDA if either the requirements of §91.175(l) of this chapter, or the following requirements are met:

(1) The aircraft is continuously in a position from which a descent to a landing on the intended runway can be made at a normal rate of descent using normal maneuvers, and where that descent rate will allow touchdown to occur within the touchdown zone of the runway of intended landing;

(2) The flight visibility is not less than the visibility prescribed in the standard instrument approach procedure being used;

(3) Except for Category II or Category III approaches where any necessary visual reference requirements are specified by authorization of the Administrator, at least one of the following visual references for the intended runway is distinctly visible and identifiable to the pilot:

(i) The approach light system, except that the pilot may not descend below 100 feet above the touchdown zone elevation using the approach lights as a reference unless the red terminating bars or the red side row bars are also distinctly visible and identifiable.

(ii) The threshold.

(iii) The threshold markings.

(iv) The threshold lights.

(v) The runway end identifier lights.

(vi) The visual approach slope indicator.

(vii) The touchdown zone or touchdown zone markings.

(viii) The touchdown zone lights.

(ix) The runway or runway markings.

(x) The runway lights; and

(4) When the aircraft is on a straight-in nonprecision approach procedure which incorporates a visual descent point, the aircraft has reached the visual descent point, except where the aircraft is not equipped for or capable of establishing that point, or a descent to the runway cannot be made using normal procedures or rates of descent if descent is delayed until reaching that point.

(d) A pilot may begin the final approach segment of an instrument approach procedure other than a Category II or Category III procedure at

an airport when the visibility is less than the visibility minimums prescribed for that procedure if that airport is served by an operative ILS and an operative PAR, and both are used by the pilot. However, no pilot may continue an approach below the authorized DA/DH unless the requirements of §91.175(l) of this chapter, or the following requirements are met:

(1) The aircraft is continuously in a position from which a descent to a landing on the intended runway can be made at a normal rate of descent using normal maneuvers and where such a descent rate will allow touchdown to occur within the touchdown zone of the runway of intended landing;

(2) The flight visibility is not less than the visibility prescribed in the standard instrument approach procedure being used; and

(3) Except for Category II or Category III approaches where any necessary visual reference requirements are specified by the authorization of the Administrator, at least one of the following visual references for the intended runway is distinctly visible and identifiable to the pilot:

(i) The approach light system, except that the pilot may not descend below 100 feet above the touchdown zone elevation using the approach lights as a reference unless the red terminating bars or the red side row bars are also distinctly visible and identifiable.

(ii) The threshold.

(iii) The threshold markings.

(iv) The threshold lights.

(v) The runway end identifier lights.

(vi) The visual approach slope indicator.

(vii) The touchdown zone or touchdown zone markings.

(viii) The touchdown zone lights.

(ix) The runway or runway markings.

(x) The runway lights.

(e) For the purpose of this section, the final approach segment begins at the final approach fix or facility prescribed in the instrument approach procedure. When a final approach fix is not prescribed for a procedure that includes a procedure turn, the final approach segment begins at the point where the procedure turn is completed and the aircraft is established inbound

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toward the airport on the final approach course within the distance prescribed in the procedure.

(f) Unless otherwise authorized in the certificate holder's operations specifications, each pilot making an IFR takeoff, approach, or landing at a foreign airport shall comply with the applicable instrument approach procedures and weather minimums prescribed by the authority having jurisdiction over the airport.

[Doc. No. 20060, 46 FR 2291, Jan. 8, 1981, as amended by Amdt. 121-303, 69 FR 1641, Jan. 9, 2004; Amdt. 121-333, 72 FR 31682, June 7, 2007]

§ 121.652 Landing weather minimums: IFR: All certificate holders.

(a) If the pilot in command of an airplane has not served 100 hours as pilot in command in operations under this part in the type of airplane he is operating, the MDA or DA/DH and visibility landing minimums in the certificate holder's operations specification for regular, provisional, or refueling airports are increased by 100 feet and one-half mile (or the RVR equivalent). The MDA or DA/DH and visibility minimums need not be increased above those applicable to the airport when used as an alternate airport, but in no event may the landing minimums be less than 300 and 1. However, a Pilot in command employed by a certificate holder conducting operations in large aircraft under part 135 of this chapter, may credit flight time acquired in operations conducted for that operator under part 91 in the same type airplane for up to 50 percent of the 100 hours of pilot in command experience required by this paragraph.

(b) The 100 hours of pilot in command experience required by paragraph (a) of this section may be reduced (not to exceed 50 percent) by substituting one landing in operations under this part in the type of airplane for 1 required hour of pilot in command experience, if the pilot has at least 100 hours as pilot in command of another type airplane in operations under this part.

(c) Category II minimums and the sliding scale when authorized in the certificate holder's operations specifications do not apply until the pilot in command subject to paragraph (a) of this section meets the requirements of

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that paragraph in the type of airplane he is operating.

[Doc. No. 7594, 33 FR 10843, July 31, 1968, as amended by Amdt. 121-143, 43 FR 22642, May 25, 1978; Amdt. 121-253, 61 FR 2615, Jan. 26, 1996; Amdt. 121-333, 72 FR 31682, June 7, 2007]

§ 121.653 [Reserved]

§ 121.655 Applicability of reported weather minimums.

In conducting operations under §§121.649 through 121.653, the ceiling and visibility values in the main body of the latest weather report control for VFR and IFR takeoffs and landings and for instrument approach procedures on all runways of an airport. However, if the latest weather report, including an oral report from the control tower, contains a visibility value specified as runway visibility or runway visual range for a particular runway of an airport, that specified value controls for VFR and IFR landings and takeoffs and straight-in instrument approaches for that runway.

§ 121.657 Flight altitude rules.

(a) *General.* Notwithstanding §91.119 or any rule applicable outside the United States, no person may operate an aircraft below the minimums set forth in paragraphs (b) and (c) of this section, except when necessary for takeoff or landing, or except when, after considering the character of the terrain, the quality and quantity of meteorological services, the navigational facilities available, and other flight conditions, the Administrator prescribes other minimums for any route or part of a route where he finds that the safe conduct of the flight requires other altitudes. Outside of the United States the minimums prescribed in this section are controlling unless higher minimums are prescribed in the certificate holder's operations specifications or by the foreign country over which the aircraft is operating.

(b) *Day VFR operations.* No certificate holder conducting domestic operations may operate a passenger-carrying aircraft and no certificate holder conducting flag or supplemental operations may operate any aircraft under VFR during the day at an altitude less than 1,000 feet above the surface or less

than 1,000 feet from any mountain, hill, or other obstruction to flight.

(c) *Night VFR, IFR, and over-the-top operations.* No person may operate an aircraft under IFR including over-the-top or at night under VFR at an altitude less than 1,000 feet above the highest obstacle within a horizontal distance of five miles from the center of the intended course, or, in designated mountainous areas, less than 2,000 feet above the highest obstacle within a horizontal distance of five miles from the center of the intended course.

(d) *Day over-the-top operations below minimum en route altitudes.* A person may conduct day over-the-top operations in an airplane at flight altitudes lower than the minimum en route IFR altitudes if—

(1) The operation is conducted at least 1,000 feet above the top of lower broken or overcast cloud cover;

(2) The top of the lower cloud cover is generally uniform and level;

(3) Flight visibility is at least five miles; and

(4) The base of any higher broken or overcast cloud cover is generally uniform and level and is at least 1,000 feet above the minimum en route IFR altitude for that route segment.

[Doc. No. 6258, 29 FR 19222, Dec. 31, 1964, as amended by Amdt. 121-144, 43 FR 22649, May 25, 1978; Amdt. 121-206, 54 FR 34331, Aug. 18, 1989; Amdt. 121-253, 61 FR 2615, Jan. 26, 1996]

§ 121.659 Initial approach altitude: Domestic and supplemental operations.

(a) Except as provided in paragraph (b) of this section, when making an initial approach to a radio navigation facility under IFR, no person may descend an aircraft below the pertinent minimum altitude for initial approach (as specified in the instrument approach procedure for that facility) until his arrival over that facility has been definitely established.

(b) When making an initial approach on a flight being conducted under § 121.657(d), no pilot may commence an instrument approach until his arrival over the radio facility has definitely been established. In making an instrument approach under these circumstances no person may descend an aircraft lower than 1,000 feet above the

top of the lower cloud or the minimum altitude determined by the Administrator for that part of the IFR approach, whichever is lower.

§ 121.661 Initial approach altitude: Flag operations.

When making an initial approach to a radio navigation facility under IFR, no person may descend below the pertinent minimum altitude for initial approach (as specified in the instrument approach procedure for that facility) until his arrival over that facility has been definitely established.

§ 121.663 Responsibility for dispatch release: Domestic and flag operations.

Each certificate holder conducting domestic or flag operations shall prepare a dispatch release for each flight between specified points, based on information furnished by an authorized aircraft dispatcher. The pilot in command and an authorized aircraft dispatcher shall sign the release only if they both believe that the flight can be made with safety. The aircraft dispatcher may delegate authority to sign a release for a particular flight, but he may not delegate his authority to dispatch.

[Doc. No. 28154, 61 FR 2615, Jan. 26, 1996]

§ 121.665 Load manifest.

Each certificate holder is responsible for the preparation and accuracy of a load manifest form before each takeoff. The form must be prepared and signed for each flight by employees of the certificate holder who have the duty of supervising the loading of aircraft and preparing the load manifest forms or by other qualified persons authorized by the certificate holder.

§ 121.667 Flight plan: VFR and IFR: Supplemental operations.

(a) No person may take off an aircraft unless the pilot in command has filed a flight plan, containing the appropriate information required by part 91, with the nearest FAA communication station or appropriate military station or, when operating outside the United States, with other appropriate authority. However, if communications facilities are not readily available, the

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pilot in command shall file the flight plan as soon as practicable after the aircraft is airborne. A flight plan must continue in effect for all parts of the flight.

(b) When flights are operated into military airports, the arrival or completion notice required by §§ 91.153 and 91.169 may be filed with the appropriate airport control tower or aeronautical communication facility used for that airport.

[Doc. No. 6258, 29 FR 19222, Dec. 31, 1964 as amended by Amdt. 121-206, 54 FR 34331, Aug. 18, 1989]

Subpart V—Records and Reports

SOURCE: Docket No. 6258, 29 FR 19226, Dec. 31, 1964, unless otherwise noted.

§ 121.681 Applicability.

This subpart prescribes requirements for the preparation and maintenance of records and reports for all certificate holders.

§ 121.683 Crewmember and dispatcher record.

(a) Each certificate holder shall—

(1) Maintain current records of each crewmember and each aircraft dispatcher (domestic and flag operations only) that show whether the crewmember or aircraft dispatcher complies with the applicable sections of this chapter, including, but not limited to, proficiency and route checks, airplane and route qualifications, training, any required physical examinations, flight, duty, and rest time records; and

(2) Record each action taken concerning the release from employment or physical or professional disqualification of any flight crewmember or aircraft dispatcher (domestic and flag operations only) and keep the record for at least six months thereafter.

(b) Each certificate holder conducting supplemental operations shall maintain the records required by paragraph (a) of this section at its principal base of operations, or at another location used by it and approved by the Administrator.

(c) Computer record systems approved by the Administrator may be

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used in complying with the requirements of paragraph (a) of this section.

[Doc. No. 6258, 29 FR 19226, Dec. 31, 1964, as amended by Amdt. 121-144, 43 FR 22649, May 25, 1978; Amdt. 121-241, 59 FR 42993, Aug. 19, 1994; Amdt. 121-253, 61 FR 2615, Jan. 26, 1996]

§ 121.685 Aircraft record: Domestic and flag operations.

Each certificate holder conducting domestic or flag operations shall maintain a current list of each aircraft that it operates in scheduled air transportation and shall send a copy of the record and each change to the certificate-holding district office. Airplanes of another certificate holder operated under an interchange agreement may be incorporated by reference.

[Doc. No. 28154, 61 FR 2615, Jan. 26, 1996]

§ 121.687 Dispatch release: Flag and domestic operations.

(a) The dispatch release may be in any form but must contain at least the following information concerning each flight:

(1) Identification number of the aircraft.

(2) Trip number.

(3) Departure airport, intermediate stops, destination airports, and alternate airports.

(4) A statement of the type of operation (e.g., IFR, VFR).

(5) Minimum fuel supply.

(6) For each flight dispatched as an ETOPS flight, the ETOPS diversion time for which the flight is dispatched.

(b) The dispatch release must contain, or have attached to it, weather reports, available weather forecasts, or a combination thereof, for the destination airport, intermediate stops, and alternate airports, that are the latest available at the time the release is signed by the pilot in command and dispatcher. It may include any additional available weather reports or forecasts that the pilot in command or the aircraft dispatcher considers necessary or desirable.

[Docket No. 6258, 29 FR 19226, Dec. 31, 1964, as amended by Amdt. 121-329, 72 FR 1883, Jan. 16, 2007]